

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD SHEERIN,

Plaintiff,

-v-

TUTOR PERINI CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 7952 (ALC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Before the Court is Defendants' letter-motion (ECF No. 68) seeking an order: i) compelling Plaintiff to serve expert disclosures for Dr. Joel Buchalter and Dr. Ezriel Kornel in compliance with Fed. R. Civ. P. Rule 26(a)(2)(B) (the "First Request"); ii) compelling Dr. Buchalter to respond to Defendants' document subpoena (the "Second Request"); and iii) extending the deadline for completion of expert depositions (the "Third Request").

For the reasons stated on the record at the discovery conference held today, July 1, 2021, Defendants' letter-motion is GRANTED IN PART and DENIED IN PART. First, the Court finds that Plaintiff's treating physicians, Dr. Buchalter and Dr. Kornel, fall under the purview of Fed. R. Civ. P. 26(a)(2)(C) and, thus, Plaintiff's disclosures need not comply with the requirements of Fed. R. Civ. P. 26(a)(2)(B). See Rodriguez v. Vill. of Port Chester, No. 19 Civ. 4728 (JCM), 2021 WL 1644226, at *6 (S.D.N.Y. Apr. 26, 2021). The Court also finds that the disclosures Plaintiff has made as to both doctors satisfy the requirements of Fed. R. Civ. P. 26(a)(2)(C). Accordingly, Defendants' First Request is DENIED. As discussed at the conference, this finding is without

prejudice to Defendants' right to seek preclusion of either physician's testimony on an evidentiary basis for trial.

Second, for the reasons stated on the record, Defendants' Second Request is DENIED as moot.

Finally, Defendants' Third Request is GRANTED, and the Court orders as follows:

1. Expert depositions shall be completed by **July 16, 2021**; and
2. By **July 16, 2021**, the parties shall file a joint status letter reporting on the status of completion of the expert depositions. Additional extensions will not be granted absent a showing of good cause.

All other provisions of the Court's May 27, 2021 Order (ECF No. 67) remain in effect.

Dated: New York, New York
July 1, 2021

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge